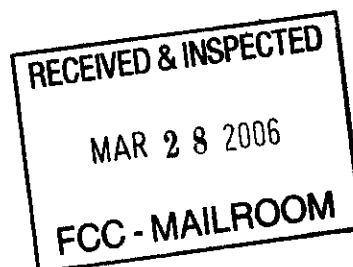


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Media: Fax 16 pages
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02-6



**Before the
FEDERAL COMMUNICATION COMMISSION
Washington, D.C. 20554**

RECEIVED & INSPECTED

MAR 28 2006

FCC - MAILROOM

In the Matter of)

Request for Review by Colegio San Felipe on Decision of the Universal Service Administrator)

Form 471 Application No. 456788

Schools and Libraries Universal Service Support Mechanism)

CC Docket No. 02-6

TO: Wireline Competition Bureau

REQUEST FOR REVIEW

Pursuant to Sections 54.719(c) and 54.721 of the Federal Communications Commission ("Commission" or "FCC") rules, 47 C.F.R. §§ 54.719(c) and 54.721 (2004), Colegio San Felipe hereby appeals the decision of the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company to reduce the requested discount in Funding Year 7 (07/01/2005 – 06/30/2006) from 80% to 70%.

I. BACKGROUND

On February 18, 2005, Colegio San Felipe filed an FCC Form 471 with the SLD listing the services for which it was requesting discounts under the schools and libraries universal service support mechanism (the "E-rate program").¹ By September 13, 2005, Colegio San Felipe was addressed by the Superintendencia de Escuelas Catolicas Diocesis de Arecibo ("Superintendencia de Arecibo") inquiring information related to the final results of the social economical study for year 2005-2006, been the Superintendencia de Arecibo on questioning by

¹ FCC, Form 471 No. 456652 for Colegio San Felipe, filed 02/18/2005 (Exhibit A).

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the SLD's PLA Reviewer on their form 471 application number 463356² By September 21, 2005, Colegio San Felipe sent to Superintendencia de Arecibo the results of the social economical study.³ Specifically, the information request, which was delivered by Colegio San Felipe, was the following information:

1. The total number of enrolled.
2. Total number of surveys/applications sent out
3. Number of survey/application returned
4. Total number of students that qualifies for the National School Lunch Program, using the Income Eligibility Guidelines (IEG) of the NSLP, per returned surveys/applications
5. Are the surveys/applications and results kept on file.
6. Provide a sample copy of the FILLED OUT SURVEY/APPLICATION with the child's personal information crossed out for confidentiality.
7. A signed certification that reads: "I certify that only those students who meet the Income Eligibility of the National School Lunch Program have been included in Column 5 of item 10b, Block 4 (Worksheet A) of the Form 471."
8. The information must be in writing on the school letterhead and signed by a school official (such as the Principal, Vice - Principal Superintendent, Director of Food Services).

In its response, Colegio San Felipe indicated that there were 528 students enrolled, that 528 surveys/applications were sent out and that 236 surveys/applications were returned. It also indicates from those survey/applications returned, 144 students qualifies for the NSLP, that the surveys/applications and its results are kept on file and certified, that only the students who meet the IEG of the NSLP had being included in Column 5 item 10b of block 4 (worksheet A) of the Form 471. On the socio economical study provided, Colegio San Felipe provided evidence that qualifies the school for an 80% of discount, (236 NSPL students / 144 surveys returned = 61%).

² Refer to questions from PLA reviewer Fabio Nieto to Lydia Hernández, Superintendent, Superintendencia Escuelas Católicas Diócesis de Arecibo. (Exhibit B)

³ See responses from Judith Colón Tello, Director Colegio San Felipe to Lydia Hernández, dated September 21, 2005, (Exhibit C).

By January 23, 2006, the SLD's PIA reviewer questioned Colegio San Felipe to validate the percentage of discount requested in application number 456652⁴. Colegio San Felipe complied with the answers on January 30, 2006. In the information provided in the validation, Colegio San Felipe, mentioned that the total number of students enrolled were 548, that 548 students received a survey/application request, that from those 548 who received the survey/applications only 244 students were returned and that from those 244 surveys/applications returned 244 qualified for the NSLP. In addition, Colegio San Felipe wanted to validate also with a mathematical equation. On this equation Colegio San Felipe erred in the typing and calculations. The mathematical equation the amount of students that qualified for NSLP (244) was divided by the total amount of students enrolled (548) when it was supposed to be divided by the total amount of surveys/applications returned (244). On February 08, 2006, Colegio San Felipe received a Funding Commitment Decision Letter stating, as the decision and explanation to reduce the requested discount, the following statements: *FRN approved; modified by SLD. The site-specific discount was corrected.*

II. COLEGIO SAN FELIPE CORRECTLY DETERMINED THE PERCENTAGE OF STUDENTS ELIGIBLE FOR A FREE OR REDUCED-PRICE LUNCH UNDER THE NSLP.

Although Colegio San Felipe erroneously provided the SLD's PIA reviewer with inaccurate information on its answers when requested submitted, there was sufficient evidence to the PIA in order to demonstrate the percentage of students eligible for a free or reduced - price lunch under the NSLP. (90%)

⁴ See answers to SLD's PIA reviewer Fabio Nieto dated January 30, 2006 from Judith Colon Tellado, Director Colegio San Felipe. (Exhibit D)

Under the Commission's rules, the discount available to a particular school is determined by indicators of poverty and high relative cost of service.⁵ First, the level of poverty for schools is measured by the percentage of their student enrollment that is eligible for a free or reduced-price lunch under the NSLP or a federally-approved alternative mechanism outlined in Title I of the Improving America's School Act (IASA).⁶ These federally-approved alternative mechanisms include data comparable to the NSLP data that is collected through surveys. As the Commission has acknowledged, surveys are particularly relevant to schools that may not have access to NSLP data, such as private schools.⁷ Second, a school's high-cost status is derived from rules that classify it as urban or rural.⁸ The Commission's rules provide a matrix reflecting both the school's urban or rural status and the percentage of its students who are eligible for the school lunch program to establish its discount rate, ranging from 20 percent to 90 percent.⁹ Because NSLP data is unavailable for Colegio San Felipe, it used a federally-approved alternative mechanism that relies on actual counts of low-income children to determine the level of poverty.

III. THE SLD ERRONEOUSLY CONCLUDED THAT COLEGIO SAN FELIPE QUALIFIED FOR A 0% DISCOUNT AND FAILED IN NOT REQUESTING ADDITIONAL INFORMATION TO THE SCHOOL AND CLARIFY THE CONFLICTING INFORMATION.

Colegio San Felipe submitted to the SLD exactly what it was asked to submit: (a) the total number of students (548 students), (b) the number of surveys/applications sent out (548), (c) the number of surveys/applications returned (244) (d) the number of students qualified to participate in the NSLP, 244 (based on the SLD projection guidelines), (e) if the

⁵ 47 C.F.R. § 54.505(b).

⁶ 47 C.F.R. § 54.505(b)(1); *Federal State Joint Board on Universal Service*, Report and Order, CC Docket No. 96-45, FCC 97-157, 12 FCC Red 8776, ¶¶ 308-09 (rel. May 8, 1997).

⁷ See *School for Language and Communication Development*, Order, 17 FCC Red 15166 (rel. Aug. 6, 2002).

⁸ 47 C.F.R. §§ 54.505(b)(3)(i), (ii).

⁹ 47 C.F.R. § 54.505(c).

survey/applications were kept on file, yes, (f) and (g) certification that only students that meet the IEG of the NSLP have been included in Column 5, item 10b of block 4 (worksheet A) of the Form 471. In addition, Colegio San Felipe provided a sample copy of the socio-economic survey conducted by the school. No additional documentation supporting the eligible discount rate for the school was requested.

IV. CONCLUSION

Colegio San Felipe provided clear evidence to the SLD that it qualified for more than an 80% discount under the E-rate program since 244 out of 244 students (100 % of the student population) were eligible for a free or reduced price lunch under the NSLP. This data was collected through a survey that was conducted in accordance with the SLD's guidelines. Furthermore, the school provided the SLD with all the information that was requested during the application review process. Therefore, the SLD erred in its decision to reduce the discount rate from the requested 80% to 70%. Therefore, Colegio San Felipe respectfully requests that the Commission reverse the SLD's decision on reducing the discount percentage and grant its application to be funded at a 90% discount.

Respectfully submitted,

COLEGIO SAN FELIPE

Judith Colón Tellado, Ph.D.

Judith Colón Tellado
Director, Colegio San Felipe
PO Box 673
Arecibo, PR 00613
Tel: 787-878-3532
Fax: 787-879-2124

March 27, 2006

**Schools and Libraries Universal Service Program
Services Ordered and Certification Form 471
Application Display**

Exhibit A

471 Application No: 458652
Form Status: **CERTIFIED - In Window**
Out of Window Letter Date: Not applicable

Funding Year: 07/01/2005 - 06/30/2006 Cert. Postmark Date: 02/16/2006
RAL Date: 03/14/2005

Applicant's Form Identifier: FELIPE 05-1

Block 1: Billed Entity Information

Billed Entity Number: 169193

Applicant Name: COLEGIO SAN FELIPE

Address: AVENIDA SAN LUIS NUMBER 508

City: ARECIBO State: PR Zip: 00613

Contact Name: LYDIA HERNANDEZ

Address: CALLE DR. SALAS #28

City: ARECIBO State: PR Zip: 00613

Type of Application: SCHOOL

Ineligible Orgs: N

[Previous](#)

[Display Entire Application](#)

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FROM: SUPERINTEN. ESCUELAS CATOLICAS FAX NO.: 787-878-1095 Sep. 11, 2005 10:14AM P2
 36

EXHIBIT B



Universal Service Administrative Company
 Schools & Libraries Division

Date: 9/12/2005

Dear: Lydi Hernandez
 Catolicas D. conde De Arecibo
 Phone # 787-878-1095
 Application Number: 463344

The Program Integrity Assurance (PIA) team is in the process of reviewing all Form 471 Applications for schools and libraries discounts to ensure that they are in compliance with the rules of the federal universal service program. We are currently in the process of reviewing your Funding Year 2005 Form 471 Application. To complete our review, we need some additional information. The information needed to complete the review is listed below.

1. For the Billed Entity listed below, we do not have the associated FCC Registration Number (FCC RFN). The FCC, in its Fifth Report and Order, requires entities that currently participate in the Schools and Libraries Support Mechanism have an FCC Registration Number. This requirement applies to schools, libraries, non-instructional facilities, connection leaders, service providers and consultants.

BEN **FCCRN**
 220861

If you already have an FCC Registration Number for your Billed Entity (the entity listed in Block 1 of the Form 471), please provide that FCC Registration Number.

If you do not yet have an FCC Registration Number, you can obtain one by applying to the FCC at www.fcc.gov. Click on link for CORES (Commission Registration System), or go directly at the FCC CORES registration site at <http://verify.fcc.gov/core/CoreForm.htm>.

After obtaining the FCC Registration Number, please provide us the FCC Registration Number.

Additional guidance on this topic and filing tips are located in the Reference area of our website, under "FCC Registration Numbers" <http://www.sluscentraloffice.org/whatsnew/2004/102004.asp#A02804>

You will need your Taxpayer Identification Number (TIN) to obtain an FCC Registration Number. For some employers, including state and local government agencies and non-profit organizations, the TIN is the IRS-issued Employer Identification Number (EIN).

2. Based up on review of your Form 471 application, we were not able to validate your requested discount percentage of:

80% for Colegio Nuestra Señora Del Carmen, validated at 70%
 80% for Colegio San Felipe, validated at 70%
 80% for Colegio San Juan Bosco, validated at 70%
 80% for Colegio Sagrada Familia, validated at 70%
 80% for Colegio Nuestra Señora Del Rosario, validated at 70%

FROM : SUPERINTEN EJUELA CATALIORS FAX NO. : 787 878 1895 Sep. 11 2005 16:15PM P3
 38

If you choose to validate your original requested discount percentages, then please provide the appropriate documentation if one of the following acceptable methods were used:

- A. If the school participates in a National School Lunch Program (NSLP), please provide us a signed copy (preferably by the Principal, Vice-Principal, Superintendent or chief school official, or Director of Food Services) of the October Reimbursement Claim Form that the school sends to the state each month. Make sure that the following 3 items are identified:
- 1) The Entity name
 - 2) The total number of students enrolled at the entity
 - 3) The total number of students eligible for Free/Reduced Lunch Program for the entity

If the school district fills out an aggregate form for the school district, provide a signed letter from a school official (preferably the Superintendent (or chief school official)) that lists the enrollment and Free/Reduced information for each school in the district.

- B. If the discount percentage was determined by information obtained from a survey/application, please provide the following information:

- 1) Total number of students enrolled
- 2) Total number of surveys/applications sent out
- 3) Number of surveys/applications returned
- 4) Total number of students qualified for NSLP per the returned surveys/applications
- 5) Are the surveys/applications and results kept on file.
- 6) Provide a sample copy of a FILLED OUT SURVEY/APPLICATION with the child's personal information crossed out for confidentiality.
- 7) A signed certification that reads: "I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in Column 3 of Item 9a of Block 4 of the Form 471."
- 8) This information must be in writing on school letterhead and signed by a school official (such as the Principal, Vice-Principal, Superintendent or chief school official, Director of Food Services).

- C. If the discount was determined using a different method than what was identified above, please indicate the method that was used and provide all relevant data.

3. For PRN 1346732, your item 21 wasn't sufficiently detailed to determine the eligibility of your request. Please indicate the type of service (i.e. local, long distance, etc.) and the amount you are requesting.

Please fax or e-mail the requested information to my secretary. If you have any questions, please feel free to contact me.

It is important that we receive all of the information requested so we can complete our review. Failure to do so may result in a reduction or denial of funding.

Should you wish to cancel this application, or any of your individual funding requests, please clearly indicate in your response that it is your intention to cancel an application or funding request(s); along with the application number and/or funding request number(s), and the complete name, title and signature of the authorized individual.

Please send the requested information within seven calendar days. If you need additional time to prepare your response, please let me know as soon as possible.

FROM : SUPERINTEN. ESCUELA CATOLICAS FAX NO. : 787 878 1095 Sep. 13 2005 10:16 AM P4
08

Thank you for cooperation and continued support of the Universal Service Program.

Sincerely,

Fabio Nieto
Schools and Libraries Division
Programs Integrity Assurance
Phone: 973-884-8094
FAX: 973-579-6579
fnieto@sal.usuniversal.org

COLEGIO SAN FELIPE
JUNIOR-SENIOR HIGH SCHOOL
BOX 673
ARACIBO, P.R. 00611-0673
TEL. 787-878-3734

Exhibit C

The discount percentage for Colegio San Felipe was determined by information obtained from a survey/application method. Results are as follow.

Total number of students enrolled - 528

Total number of surveys/applications sent out - 528

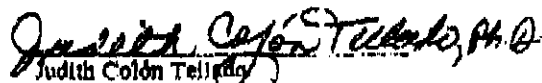
Number of surveys/applications returned - 236

Total number of students qualified for NSLP per the returned surveys/applications - 144

Are the surveys/applications and results kept on file - Yes

Copy of a FILLED OUT SURVEY/APPLICATION - annex 1

Signed certification - annex 2


Judith Colón Telles
Director
Colegio San Felipe

COLEGIO SAN FELIPE

JUNIOR-SENIOR HIGH SCHOOL

BOX 673
ARRICIBO, P.R. 00811-0673

TEL. 787-878-3532

Exhibit D

To: Pablo Nieto
Program Integrity Assurance

From: Judith Colón
Director
Colegio San Felipe

Date: January 30, 2006

Subject: Application Number 456632

- 1) FCC RN - 0013458245
- 2) Application number 456632 -- Refer to annex A for Internet Remote Access Certification
- 3)
- 4) Application 456632 -- NO on-promise equipment included.
- 5) The numbers are 787-879-2124 & 787-878-3532
- 6) Validation of Discount Percentage:
 1. Total number of students enrolled - 548
 2. Total surveys hand delivered - 548
 3. Total amount of surveys returned - 244
 4. Total amount of student qualified for NSLP - 244 (244/548 = 45%)
 5. Surveys are kept on file
 6. Copy of survey -- Annex B
 7. Certification -- Annex C

COLEGIO SAN FELIPE

UNION SENIOR HIGH SCHOOL

BOX 673

ARECIBO, P.R. 00612-0673

TEL. 787-878-3531

Certification

"I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in column 5 of Item 10b, of Block 4 (worksheet A) of the Form 471."



Judith Colón

Director

Colegio San Felipe



Date

COLEGIO SAN FELIPE

JUNIOR-SENIOR HIGH SCHOOL

BOX 571

ARHCIBO, P.R. 00613-0671

TEL. 787-878-3449

Certification

"I certify that only those students who meet the Income Eligibility Guidelines of the National School Lunch Program have been included in column 5 of Item 10b. of Block 4 (worksheet A) of the Form 171."

Judith Colón Tejeda, PhD
Judith Colón Tejeda
Director
Colegio San Felipe

21 Sept 10 5
Date

Departamento de Educación
Área de Planificación y Desarrollo
División de Planificación

ESTUDIO SOCIOECONÓMICO

AÑO ESCOLAR _____

1. Región Educativa Durango 2. Distrito Escolar San Juan
3. Escuela Colegio San Felipe + Grado Septimo / Grado
5. Nombre del estudiante Natalia V. Vazquez
6. Nombre del padre o encargado Jose Rodolfo Chatain
Ocupación Pensionado
Ingreso Anual \$ 14,800.00
7. Nombre de la madre Frances X. Vazquez
Ocupación Asistente de Contabilidad
Ingreso Anual \$ 12,000.00
8. Total Ingreso Anual Familiar \$ 26,800.00
9. Total Miembros de la Familia 4

Certifico Correcto: [Firma]
(Firma padre o encargado)

Fecha Sept 21, 2005

[Firma]
(Firma Muestra)

COLEGIO SAN FELIPE
JUNIOR-SENIOR HIGH SCHOOL
BOX 673
ARECIBO, P.R. 00612-0673
TEL. 787-878-3332

Internet Service
Remote Access Certification

"The Internet Access service for which I see discounts will be strictly limited to providing services only at eligible locations and used only by eligible users. Access to the Internet will not be provided to homes or other non-school or non-library."

Signed Judith Cofin Tellado, Ph.D.

Name Judith Cofin Tellado

Title Director

Date 20/Jan/06 2006

Departamento de Educación
Área de Planificación y Desarrollo
División de Planificación

ESTUDIO SOCIOECONÓMICO

AÑO ESCOLAR _____

1. Región Educativa Cuecabo 2. Distrito Escolar Cuecabo
3. Escuela Colegio San Felipe 4. Grado 7²
5. Nombre del estudiante ~~XXXXXXXXXX~~
6. Nombre del padre o encargado Jose E. Vega Ramirez
Ocupación Policias de P.R.
Ingreso Anual 16,800
7. Nombre de la madre Aguila Luis R. Ponce
Ocupación Maestra Educ. Especial
Ingreso Anual 8,544
8. Total Ingreso Anual Familiar \$ 25,344
9. Total Miembros de la Familia 3

Certifico Correcto: Aguila Luis R. Ponce
(Firma padre o encargado)

Fecha: 22 Sept 05

(Firma Maestro)